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CHARLENE CARTER,)

Plaintiff,)

VS.) CIVIL ACTION

SOUTHWEST AIRLINES CO.,) NO.: 3:17-cv-02278-X

Defendants.)

MELISSA BURDINE

BURDINE, produced as a witness at the instance of

2 (All parties appearing via Zoom Videoconference)

FOR THE PLAINTIFF:

MATTHEW D. HILL

FOR THE DEFENDANT SOUTHWEST AIRLINES CO.:

BRIAN MORRIS

AMERICA:

20 EDWARD B. CLOUTMAN, III

23

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1 shorthand, with the witness in Frisco, Texas,

ADAM S. GREENFIELD

ALSO PRESENT:

Charlene Carter

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1 THE REPORTER: We are going on the

2 record June 28, 2022 for the deposition of Melissa

3 Burdine in a case styled Charlene Carter versus

4 Southwest Airlines Company and Transport Workers

5 Union of America, Local 556, Civil Case No.

6 3:17-cv-02278-X in the United States District

7 Court for the Northern District of Texas, Dallas

8 Division. The time is approximately 4:32 p.m.

9 Will counsel state their appearances

10 and agreements or stipulations for the record.

11 MR. HILL: Matt Hill and Matt Gilliam

12 for Charlene Carter.

13 MR. MORRIS: Hello, Brian Morris for

14 Melissa Burdine.

15 MR. GREENFIELD: Adam Greenfield on

16 behalf of Transport Workers Local Union 556 and

17 Edward Cloutman, III, as well.

18 MR. CLOUTMAN: Here.

19 (Discussion off the record).

20 MELISSA BURDINE,

21 having been first duly sworn, testified as

22 follows:

23 EXAMINATION

24 BY MR. HILL:

25 Q. Ms. Burdine, could I get you to, to

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1 introduce yourself for the jury?

2 A. Yes, my name is Melissa Burdine, and I

3 formerly served as a labor manager for Southwest

4 Airlines.

5 Q. When did you stop serving as a labor

6 manager for Southwest Airlines?

7 A. My last day with Southwest was

8 September 30th of 2020.

9 Q. Why did you leave?

10 A. Due to -- Southwest offered some, like,

11 packages, due to COVID, just due to overall

12 performance and slowed business, I would say.

13 Q. Okay. So did you voluntarily leave

14 Southwest?

15 A. I did.

16 Q. Now, when you said "labor manager," is

17 that another -- was that sometimes referred to as

18 a labor relations manager?

19 A. Yes. That is correct.

20 Q. Is there any difference between those two

21 titles?

22 A. No.

23 Q. What did you do as a labor relations

24 manager?

25 A. I did a number of things that included

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1 support inflight -- first, I'll clarify that I

2 supported inflight, the department inflight

3 specifically, for Southwest Airlines' labor

4 relations department. And with that, that means

5 support base leaders with the review of

6 terminations, disciplinary actions, work and

7 conduct rules, contractual, you know, questions,

8 concerns. Also within that role, I also attended

9 Step 2 hearings, which was a part of the grievance

10 or appeal process. And just to name a few. I, I

11 would --

12 Q. Okay.

13 A. -- I would summarize it as such.

14 Q. A couple of things I want to ask about in

15 particular. One of the things that you did as a

16 labor relations manager was to ensure that

17 Southwest complied with the collective bargaining

18 agreement, right?

19 A. Yes, that is correct.

20 Q. Another thing that you did as a labor

21 relations manager is you regularly interacted with

22 the union, right?

23 A. What -- can you define regularly?

24 Q. As part of your regular job, you would

25 interact with the union?

<p style="text-align: right;">Page 9</p> <p>1 A. Yes. That would be an accurate statement. 2 Q. And would you have discussions with the 3 union about various topics? 4 A. We would discuss grievances, appeals, 5 contract interpretation, things of that nature. 6 Q. And who at the union would you have these 7 discussions with? 8 A. It depended on who handled the case. 9 Q. Okay. So would it be -- who handled the 10 case, is that usually like a union representative 11 or, or at what level are you dealing? 12 A. I can't remember what level, to be honest 13 with you. I -- there would be different -- just 14 bear with me as I refresh my memory. They -- 15 there's different union reps that handled 16 different grievances, so a lot of times they would 17 be assigned to someone different every time. So 18 whoever, whoever was assigned to, I guess, by the 19 union, whoever was handling the case, that's 20 typically who I would interact with. 21 Q. Did you ever deal with Audrey Stone? 22 A. Occasionally. 23 Q. What would you deal with Audrey Stone 24 about? 25 A. It would be more in a group setting,</p>	<p style="text-align: right;">Page 11</p> <p>1 A. Can you repeat the question, sir? 2 Q. Is your role as a labor relations manager 3 that only once discipline had been decided you 4 would deal with it? 5 A. I would not describe it like that, no. 6 Q. Okay. At what point would you become 7 involved in employee discipline? 8 A. Prior to the, prior to the issuance of 9 discipline, typically, and I'm speaking in general 10 terms. 11 Q. Okay. 12 A. Typically it really depends on the leader, 13 to be honest with you. Some leaders will reach 14 out when they're investigating a, a case. Some 15 leaders will reach out once they've already had 16 what we call the fact-finding meeting to try to 17 determine what's the best recourse. 18 Q. Do you get involved in those 19 investigations? 20 MR. MORRIS: Objection, vague and 21 ambiguous. 22 Q. You can answer. 23 A. So on the -- with regard to fact-finding 24 meetings and those -- like the investigations that 25 happen prior to the termination, I, I guess</p>
<p style="text-align: right;">Page 10</p> <p>1 meaning Southwest Airlines and TWU 556 would have 2 a meeting. It's a meeting, I believe, that was -- 3 that's enforced by the contract, if I recall 4 correctly, to talk about open grievances and 5 appeals, and so they would come with a list of 6 specific cases to talk about. And that would be 7 really my only exposure to Audrey Stone, would be 8 through that process. 9 Q. Did you have any personal interaction with 10 Ms. Stone? 11 A. No. 12 Q. What -- and, and as, as a labor relations 13 manager, what role did you have in employee 14 discipline? 15 A. I would collaborate with inflight base 16 managers with Southwest Airlines to review higher 17 level disciplines, such as terminations, 30-day 18 suspensions. 19 Q. So your role as labor relations manager is 20 once the discipline had been decided, you would 21 deal with it? 22 MR. MORRIS: Objection, misstates 23 testimony. 24 Q. I'm just trying to understand. Is that 25 accurate?</p>	<p style="text-align: right;">Page 12</p> <p>1 depending on what you mean by involvement. Like 2 was I the hands-on investigator? Is that your 3 question? 4 Q. Well, that's a good, that's a good 5 question. Did you, did you -- were you involved 6 in any hands-on investigation of, of employee -- 7 of employees -- employee conduct to determine 8 whether it merited discipline? 9 A. In a general sense, I guess I would say 10 I -- it would be more like I reviewed the 11 investigation. So I would have reviewed the base 12 leader's investigation that they conducted and, 13 and this is, again, generally speaking. There 14 would be times where additional questions may be 15 asked or where we may have things that come up as 16 a result of, of my review of their investigation, 17 if you will. 18 Q. But the base leader, they would handle the 19 actual investigation; is that right? 20 A. That's correct. I would say they -- 21 Q. Would -- 22 A. -- lead the investigation. 23 Q. They would lead the investigation. 24 Okay. And was employee relations also 25 involved in those investigations?</p>

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1 MR. MORRIS: Objection, vague and
2 ambiguous.
3 You can, you can answer.
4 A. Employee relations would be involved in
5 some investigations. It depends on what the case
6 is, yes. I would say they are very heavily
7 involved in the investigation, and if they are,
8 typically as a labor manager, I would also
9 collaborate with employee relations as well, prior
10 to any type of disciplinary action being decided
11 on.
12 Q. Maureen Emlet?
13 A. I'm sorry?
14 THE REPORTER: I'm sorry, Matt, what
15 did you say?
16 Q. Who is Maureen Emlet?
17 A. Maureen Emlet?
18 Q. Emlet, yes, sorry.
19 A. She was also a labor manager.
20 Q. So she had the same job you did?
21 A. She did.
22 Q. Are there occasions where the two of you
23 would work together on the same issue?
24 A. Yes.
25 Q. And why would that happen?

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1 A. For a number of reasons. Our work was
2 collaborative. There would be times where Maureen
3 may work on a -- or maybe I work on a termination,
4 and she may end up taking the Step 2 hearing, just
5 depending on schedules, vacation time,
6 availability. We would typically try to keep each
7 other abreast of what's going on with our bases.
8 Q. Who is Charlene Carter?
9 A. Charlene was at the time a Southwest
10 Airlines flight attendant.
11 Q. Did you have any role in her
12 investigation?
13 A. To be honest, I don't remember.
14 Q. You don't remember whether you were
15 involved in Ms. Carter's investigation at all?
16 MR. MORRIS: Objection, asked and
17 answered.
18 Q. You can answer.
19 A. No, not that I remember. I do remember --
20 one thing that I remember prior to Ms. Carter's
21 termination would be reviewing the, the videos,
22 but that's all I can remember in terms of
23 pretermination, my involvement.
24 Q. Okay. When you say "the videos," what are
25 you talking about?

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1 A. There were social media -- some social
2 media videos of aborted babies, if I recall
3 correctly.
4 Q. How did you come to review those?
5 A. With Maureen Emlet.
6 Q. Is Maureen Emlet who forwarded those to
7 you?
8 A. No, we sat by side and watched them.
9 Q. Why were you, why were you reviewing these
10 videos?
11 A. As labor managers, we would often
12 collaborate on best practices. So if, if I had to
13 name something under typical circumstances,
14 because I don't remember like specifically what
15 our discussion was that day, that's how I would
16 have to answer it.
17 Q. Do you recall anything that Ms. Emlet told
18 you about those videos?
19 A. No, I do not.
20 Q. Do you recall anything that Ms. Emlet told
21 you about Ms. Carter?
22 A. No, I do not.
23 Q. Do you recall anything that you might have
24 told Ms. Emlet about Ms. Carter?
25 A. No, sir, I do not.

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1 Q. And nothing about the videos?
2 A. No, I do not recall any specific
3 information.
4 Q. What was your reaction to the videos?
5 A. I don't remember, to be honest with you.
6 Q. Other than Ms. Emlet, is there anyone that
7 you communicated with about Charlene Carter?
8 A. At what point?
9 Q. Right now we'll talk about pretermination.
10 A. I don't remember.
11 Q. After her -- after Ms. Carter's
12 termination, was there anyone that you
13 communicated with about Charlene Carter?
14 A. Yes.
15 Q. Who?
16 A. Mike Sims.
17 Q. Anyone else?
18 A. Currently that's the only person I, I
19 remember. If we're speaking about like between
20 the, I guess, the termination and the Step 2
21 hearing or maybe around that time, that's who I
22 remember talking to, would be Mike Sims. And, and
23 I really don't remember at what point, if that was
24 at the Step 2 hearing. But I do remember him
25 being at the Step 2 hearing.

<p style="text-align: right;">Page 17</p> <p>1 Q. Okay. Let me clarify one thing real</p> <p>2 quick. You were a labor relations manager for</p> <p>3 Southwest Airlines throughout the year 2017,</p> <p>4 right?</p> <p>5 A. I believe so, yes.</p> <p>6 Q. Do you recall Mr. Sims' reaction to</p> <p>7 Ms. Carter's testimony at the Step 2 hearing?</p> <p>8 A. And what do you mean by reaction?</p> <p>9 Q. Do you recall anything that he said to you</p> <p>10 about her testimony?</p> <p>11 A. No, I do not.</p> <p>12 Q. Did you have any reaction to her testimony</p> <p>13 at the Step 2 hearing?</p> <p>14 A. Not that I recall.</p> <p>15 Q. Before Charlene Carter was terminated, did</p> <p>16 you have any belief as to whether or not she</p> <p>17 should be terminated?</p> <p>18 A. I don't remember, to be honest with you.</p> <p>19 Q. At -- after you attended the Step 2</p> <p>20 hearing, did you have any belief as to whether</p> <p>21 Ms. Carter should be terminated?</p> <p>22 A. I don't -- to be honest with you, I don't</p> <p>23 remember what, what my belief may have been at the</p> <p>24 time.</p> <p>25 Q. Okay. Have you ever talked to Ed</p>	<p style="text-align: right;">Page 19</p> <p>1 in remembering the, the circumstances of her</p> <p>2 violation, I don't know that I would have said</p> <p>3 that.</p> <p>4 Q. When you say "the circumstances of her</p> <p>5 violation," what, what are those circumstances?</p> <p>6 A. Just the -- so if, if we can go back to</p> <p>7 the -- just the termination, Ms. Carter, she had</p> <p>8 sent very just graphic, egregious social media</p> <p>9 posts to another flight attendant over and over</p> <p>10 again. And so just in thinking about the</p> <p>11 violation itself, and I believe that -- I'm trying</p> <p>12 to remember. I believe that her violations may</p> <p>13 have been -- and I, and I won't speak, you know,</p> <p>14 adamantly, but I believe they may have been also</p> <p>15 substantiated as harassment by employee relations.</p> <p>16 And if so, I -- in my recommendations I do try my</p> <p>17 best to be consistent in, in accordance with, you</p> <p>18 know, work and conduct rules. So that's why I say</p> <p>19 that I don't think I would have said I don't think</p> <p>20 she should have been terminated.</p> <p>21 Q. The social media posts that you're, that</p> <p>22 you're describing, are these posts that objected</p> <p>23 to the union's role in supporting or promoting</p> <p>24 abortion?</p> <p>25 A. I don't remember that.</p>
<p style="text-align: right;">Page 18</p> <p>1 Schneider about Charlene Carter?</p> <p>2 A. I don't remember.</p> <p>3 Q. What is the role of the labor relations</p> <p>4 manager at the Step 2 hearing?</p> <p>5 A. We typically take notes on the --</p> <p>6 Q. Is that all?</p> <p>7 A. At the Step 2 hearing, yes.</p> <p>8 Q. Yes, ma'am.</p> <p>9 A. We, we can ask questions, if we have</p> <p>10 questions, but typically we take notes.</p> <p>11 Q. So at Ms. Carter's Step 2 hearing, did you</p> <p>12 have any questions?</p> <p>13 A. I don't remember.</p> <p>14 Q. Mike Sims says after that Step 2 hearing</p> <p>15 he discussed Ms. Carter's situation with you and</p> <p>16 that you agreed she should be terminated. Do you</p> <p>17 recall that?</p> <p>18 A. I recall after the Step 2 hearing talking</p> <p>19 to Mr. Sims. I don't remember the conversation.</p> <p>20 Q. Is it possible you told him that she</p> <p>21 should be terminated?</p> <p>22 A. It is possible.</p> <p>23 Q. Is it possible you told him she shouldn't</p> <p>24 be terminated?</p> <p>25 A. I would say anything is possible, but just</p>	<p style="text-align: right;">Page 20</p> <p>1 Q. You recall it was an aborted fetus that</p> <p>2 you were looking at, right?</p> <p>3 A. I do recall that, uh-huh.</p> <p>4 Q. Do you recall why there was an aborted</p> <p>5 fetus that she was sending?</p> <p>6 A. No.</p> <p>7 Q. In what context?</p> <p>8 A. I don't.</p> <p>9 Q. So your recollection is just she was</p> <p>10 sending aborted fetuses, and you don't recall</p> <p>11 anything else about the nature of her</p> <p>12 communications?</p> <p>13 A. No, I don't think I do.</p> <p>14 Q. Do you believe that anything that</p> <p>15 Ms. Carter did was unlawful?</p> <p>16 MR. MORRIS: Objection, calls for a</p> <p>17 legal conclusion. Calls for speculation.</p> <p>18 You can, you can answer.</p> <p>19 A. I, I don't know the answer to that</p> <p>20 question.</p> <p>21 Q. You don't have any opinion on whether</p> <p>22 anything she did was unlawful, right?</p> <p>23 A. I, I don't know that any -- if anything</p> <p>24 she did was unlawful.</p> <p>25 Q. You don't have any reason to believe that</p>

Melissa Burdine

<p style="text-align: right;">Page 21</p> <p>1 anything she did was unlawful, do you?</p> <p>2 MR. MORRIS: Same objection.</p> <p>3 You can answer.</p> <p>4 A. Are you asking if I currently think that</p> <p>5 or if, if that's what I thought --</p> <p>6 Q. If you ever had any, if you ever had any</p> <p>7 belief that anything that she did -- any, any</p> <p>8 reason to believe that anything she did might be</p> <p>9 unlawful?</p> <p>10 A. I don't -- honestly, I don't, I just don't</p> <p>11 remember. I -- there's -- I cannot, I cannot</p> <p>12 honestly testify today that I made any legal</p> <p>13 conclusions. That's not my, my, my expertise, I</p> <p>14 guess.</p> <p>15 Q. Unlawfulness was not a consideration in</p> <p>16 your supporting the recommendation to terminate</p> <p>17 Ms. Carter, right?</p> <p>18 A. I don't remember.</p> <p>19 Q. I'm going to direct your attention to a</p> <p>20 document. This is Exhibit 6.</p> <p>21 (Exhibit 6 marked).</p> <p>22 Q. And it is the collective bargaining</p> <p>23 agreement. I will scroll to the top so you can</p> <p>24 see the beginning of the document.</p> <p>25 Do you recognize this document?</p>	<p style="text-align: right;">Page 23</p> <p>1 Exhibit 119.</p> <p>2 (Exhibit 119 marked).</p> <p>3 Q. That's Trial Exhibit 119. Do you</p> <p>4 recognize this document?</p> <p>5 A. It appears to be an e-mail from me to Mike</p> <p>6 Sims.</p> <p>7 Q. And does that e-mail attach your notes</p> <p>8 from Charlene Carter's Step 2 hearing?</p> <p>9 A. I'm sorry, can you go back so I can finish</p> <p>10 reading the e-mail?</p> <p>11 Q. Sure.</p> <p>12 A. Okay. Thank you.</p> <p>13 Q. Does that e-mail forward to Mike Sims your</p> <p>14 notes from Charlene Carter's Step 2 hearing?</p> <p>15 A. That's what it states there, yes.</p> <p>16 Q. And then are these your notes that follow,</p> <p>17 attached to that e-mail?</p> <p>18 A. Those do look like my notes, yes.</p> <p>19 Q. You took notes during the meeting; is that</p> <p>20 right?</p> <p>21 A. Yes.</p> <p>22 Q. And then you sent this e-mail soon after</p> <p>23 the meeting, right?</p> <p>24 A. That is correct.</p> <p>25 Q. You were at that meeting and witnessed the</p>
<p style="text-align: right;">Page 22</p> <p>1 A. Yes.</p> <p>2 Q. Is that the collective bargaining</p> <p>3 agreement that was effective during 2017?</p> <p>4 A. Yes, it appears to be.</p> <p>5 Q. I'm going to direct you to Article I on</p> <p>6 nondiscrimination where it says: All employees</p> <p>7 shall be free to engage in lawful union activities</p> <p>8 or refrain from such activities.</p> <p>9 Do you see that?</p> <p>10 A. I do see that.</p> <p>11 Q. Now, you told us earlier one of your roles</p> <p>12 at Southwest was to ensure that the collective</p> <p>13 bargaining agreement was followed. Did you</p> <p>14 understand that as long as employees were engaging</p> <p>15 in lawful union activities, that, that they were</p> <p>16 not to be -- that they were not prohibited from</p> <p>17 doing that?</p> <p>18 MR. MORRIS: Objection, incomplete</p> <p>19 hypothetical.</p> <p>20 A. That's what the -- that's what it says in</p> <p>21 the contract.</p> <p>22 Q. And yet you didn't consider the</p> <p>23 unlawfulness in making your recommendation, right?</p> <p>24 A. I don't remember.</p> <p>25 Q. I want to direct your attention to</p>	<p style="text-align: right;">Page 24</p> <p>1 testimony?</p> <p>2 A. I did.</p> <p>3 Q. And this was a regular task of yours,</p> <p>4 preparing notes for Step 2 grievances and sending</p> <p>5 e-mails like this, right?</p> <p>6 A. Yes.</p> <p>7 Q. Who is Brian Talburt?</p> <p>8 A. I believe -- forgive me, because I'm --</p> <p>9 the name sounds familiar. I believe he might be a</p> <p>10 flight attendant.</p> <p>11 Q. He is or was.</p> <p>12 Did you become aware at some point</p> <p>13 that Mr. Talburt was pulling social media posts</p> <p>14 regarding certain flight attendants?</p> <p>15 A. Who?</p> <p>16 Q. Mr. Talburt, this flight attendant, was he</p> <p>17 pulling social media posts of other flight</p> <p>18 attendants?</p> <p>19 MR. MORRIS: Objection, calls for</p> <p>20 speculation.</p> <p>21 Q. The question is whether you ever learned</p> <p>22 of him doing that.</p> <p>23 A. I don't remember. I don't remember, to be</p> <p>24 honest with you.</p> <p>25 Q. Did you ever learn of anyone pulling</p>

6 (Pages 21 to 24)

<p style="text-align: right;">Page 25</p> <p>1 social media posts of flight attendants as part of</p> <p>2 any investigation?</p> <p>3 A. I do remember flight attendants would turn</p> <p>4 in other flight attendants' social media posts,</p> <p>5 yes.</p> <p>6 Q. Do you recall any specific incidents of</p> <p>7 those?</p> <p>8 A. Not off the top of my head, although I do</p> <p>9 know that that happened.</p> <p>10 Q. Okay. I want to direct your attention to</p> <p>11 Exhibit 21, and Exhibit 21 includes a number of</p> <p>12 documents.</p> <p>13 The page that I'm gonna direct you to</p> <p>14 is labeled 5680, Southwest Airlines, SWA 5680.</p> <p>15 And now I'll share the screen with you.</p> <p>16 (Exhibit 21 marked).</p> <p>17 Q. So this e-mail from Julie O'Grady that's</p> <p>18 then forwarded along to -- by, by Ms. Emlet, do</p> <p>19 you recognize that e-mail?</p> <p>20 A. No.</p> <p>21 Q. Do you recall receiving that e-mail?</p> <p>22 A. No.</p> <p>23 Q. Who is Julie O'Grady?</p> <p>24 A. She was one of the employee relations</p> <p>25 investigators.</p>	<p style="text-align: right;">Page 27</p> <p>1 no.</p> <p>2 Q. Do you recall anyone targeting union</p> <p>3 objectors' social media posts?</p> <p>4 A. No, I do not.</p> <p>5 Q. If someone did that, would that be</p> <p>6 appropriate?</p> <p>7 MR. MORRIS: Objection, incomplete</p> <p>8 hypothetical, vague and ambiguous.</p> <p>9 A. I would, I would need more information.</p> <p>10 Q. Is it -- should Southwest's labor</p> <p>11 relations department be investigating complaints</p> <p>12 brought by flight attendants about other flight</p> <p>13 attendants' social media based on the, the flight</p> <p>14 attendants with the social media being union</p> <p>15 objectors?</p> <p>16 THE REPORTER: I'm sorry, based on the</p> <p>17 what, Matt?</p> <p>18 Q. Based on the, the flight attendants whose</p> <p>19 social media is being reviewed being union</p> <p>20 objectors.</p> <p>21 MR. MORRIS: Same objection.</p> <p>22 A. It's, it's hard to speak hypothetically,</p> <p>23 Mr. Hill. But, generally speaking, I would -- as</p> <p>24 a labor manager, if a social media post was turned</p> <p>25 in to me, I -- in transparency, I don't recall a</p>
<p style="text-align: right;">Page 26</p> <p>1 Q. Okay. Is there some function you have in</p> <p>2 labor regulations that would make someone send to</p> <p>3 you an e-mail about another employee's social</p> <p>4 media posts?</p> <p>5 A. Can you repeat the question?</p> <p>6 Q. Is there something about your role in</p> <p>7 labor relations that would make it make sense for</p> <p>8 someone to send you an e-mail about employees'</p> <p>9 social media posts?</p> <p>10 A. Yes, we would get messages like I, like I</p> <p>11 explained earlier, where people would turn in --</p> <p>12 you know, flight attendants would turn in other</p> <p>13 flight attendants' social media posts.</p> <p>14 Q. Okay. Were you aware of any, any</p> <p>15 particular flight attendants targeting specific</p> <p>16 groups of Southwest employees in, in retrieving</p> <p>17 social media posts?</p> <p>18 A. No, not that I remember.</p> <p>19 Q. I'm going to direct your attention to</p> <p>20 another e-mail. This is another e-mail that was</p> <p>21 sent to you by Ms. O'Grady. And it's some</p> <p>22 conclusions based on social media posts.</p> <p>23 Do you recall seeing this e-mail?</p> <p>24 A. I see the e-mail. I see that I'm copied</p> <p>25 on the e-mail, but I don't remember the e-mail,</p>	<p style="text-align: right;">Page 28</p> <p>1 time where I would have ever gone to see or go to</p> <p>2 research, you know, if you are a -- I think the</p> <p>3 term you used was a union objector or not. I</p> <p>4 would be looking at the social media post, the</p> <p>5 content of the social media post, if it was sent</p> <p>6 to another flight attendant, and if it violated</p> <p>7 the work and conduct rules or the social media</p> <p>8 policy, I believe it is -- what it was at the</p> <p>9 time.</p> <p>10 Q. Okay. I want to direct your attention to</p> <p>11 a different page of the same Exhibit 21. It's</p> <p>12 Page 4483, the first page of the exhibit.</p> <p>13 And do you see that -- this e-mail</p> <p>14 from Ms. O'Grady to a group of people, including</p> <p>15 yourself?</p> <p>16 A. Can you -- oh, hold on. Let me move the</p> <p>17 pictures here.</p> <p>18 Q. Yeah, there's a little button in the</p> <p>19 pictures that you can push, the little minimize</p> <p>20 button, and it makes it so that it just goes in</p> <p>21 the corner and you can see.</p> <p>22 A. Oh, thank you. Can you scroll up just a</p> <p>23 little bit?</p> <p>24 Q. Yes, ma'am.</p> <p>25 A. There you go. Okay. Thank you. Is there</p>

<p style="text-align: right;">Page 29</p> <p>1 a way for me to zoom in on this? I appreciate</p> <p>2 that. Thank you.</p> <p>3 Okay. Can you scroll down? Yeah, I</p> <p>4 just -- I don't, I don't remember these exact</p> <p>5 e-mails.</p> <p>6 Q. Do you remember anything about this</p> <p>7 situation?</p> <p>8 A. No, I don't.</p> <p>9 Q. Okay. I'm going to direct your attention</p> <p>10 to Trial Exhibit 40.</p> <p>11 (Exhibit 40 marked).</p> <p>12 Q. Do you recognize Trial Exhibit 40?</p> <p>13 A. That looks like a last-chance agreement</p> <p>14 that I would have drafted during my tenure as a</p> <p>15 labor relations manager.</p> <p>16 Q. Okay. And did this involve Charlene</p> <p>17 Carter?</p> <p>18 A. Yes.</p> <p>19 Q. And let's be clear. So Ms. Carter was</p> <p>20 terminated, right?</p> <p>21 A. Yes.</p> <p>22 Q. And then after the termination, there was</p> <p>23 this Step 2 grievance hearing, right?</p> <p>24 A. Yes.</p> <p>25 Q. And after the Step 2 grievance hearing,</p>	<p style="text-align: right;">Page 31</p> <p>1 Q. You would have sent him a subsequent</p> <p>2 e-mail about it?</p> <p>3 A. Uh-huh. I would have.</p> <p>4 Q. Okay.</p> <p>5 A. Well, to -- it's typical -- well, let me,</p> <p>6 let me just say this. That's typical</p> <p>7 circumstances, Mr. Hill. I would have sent him an</p> <p>8 e-mail. It could have been a phone conversation.</p> <p>9 I, I just -- I honestly don't remember. But, but</p> <p>10 prior to drafting this last chance of --</p> <p>11 last-chance agreement, I would have had a</p> <p>12 conversation with Mr. Sims prior to drafting this.</p> <p>13 Does that make sense?</p> <p>14 Q. Okay.</p> <p>15 A. Does that help?</p> <p>16 Q. It does. And the fact that, that your</p> <p>17 name's on this letter and it looks like one that</p> <p>18 you drafted, does that, does that confirm to you</p> <p>19 that you did indeed draft this last-chance</p> <p>20 agreement?</p> <p>21 A. Yes.</p> <p>22 Q. Okay. So I want to talk to you about a</p> <p>23 few things in the last-chance agreement.</p> <p>24 The last-chance agreement brings the</p> <p>25 employee back into their position, but it does so</p>
<p style="text-align: right;">Page 30</p> <p>1 did Southwest make a decision to offer her this</p> <p>2 last-chance agreement?</p> <p>3 A. I cannot -- just in transparency, I, I</p> <p>4 cannot remember the conversations that, that</p> <p>5 surrounded the last-chance agreement. So when you</p> <p>6 say Southwest, I -- if I did draft the last-chance</p> <p>7 agreement, then Mike Sims would have communicated</p> <p>8 back to me that this was inflight's decision, to</p> <p>9 offer the last-chance agreement.</p> <p>10 Q. Were you involved in the decision to issue</p> <p>11 the last-chance agreement?</p> <p>12 A. I would have sent Mike Sims a, like a, a</p> <p>13 recap of -- from the Step 2 hearing that would</p> <p>14 have included my recommendation, but I don't</p> <p>15 remember what that would have been at this time.</p> <p>16 Q. Is that the same as the notes we looked at</p> <p>17 before on Exhibit 119?</p> <p>18 A. It referenced the notes that I sent him in</p> <p>19 that e-mail that you just showed me. It said --</p> <p>20 Q. Yes, ma'am.</p> <p>21 A. It said in that e-mail, but I'll -- the</p> <p>22 labor recap was to follow, that's what I was</p> <p>23 talking about, would have been that -- the -- I</p> <p>24 guess whatever e-mail I probably sent him after</p> <p>25 that.</p>	<p style="text-align: right;">Page 32</p> <p>1 and makes them give up some rights, right?</p> <p>2 A. What kind of rights? What do you mean by</p> <p>3 give up rights?</p> <p>4 Q. Well, let's talk about some of those</p> <p>5 rights.</p> <p>6 And I'm gonna direct your attention to</p> <p>7 this, this last-chance agreement that you drafted.</p> <p>8 One of the things that it says is that as part of</p> <p>9 her coming back, You will receive no back pay.</p> <p>10 Do you see where that I have that</p> <p>11 highlighted?</p> <p>12 A. Yes.</p> <p>13 Q. The second bullet?</p> <p>14 So for all the time that she had been</p> <p>15 out, she wouldn't get any compensation for that;</p> <p>16 is that true?</p> <p>17 A. Yes. That's true.</p> <p>18 Q. All the pay that, that -- from the time</p> <p>19 she was terminated until she accepted the</p> <p>20 last-chance agreement, if she accepted it, it</p> <p>21 would have been gone and she would not get that</p> <p>22 back?</p> <p>23 A. If I recall correctly, just with all due</p> <p>24 respect, I don't think she worked, but, yes, that</p> <p>25 would be an accurate statement.</p>

<p style="text-align: right;">Page 33</p> <p>1 Q. Well, she didn't work after she was 2 terminated, right? 3 A. During her tenure, she very rarely worked 4 while she was with -- while she was a flight 5 attendant. Flight attendants can give away their 6 trips that they're awarded. And like they have 7 this whole trip trade system, and if I recall 8 correctly, I believe Ms. Carter, again, with all 9 due respect, was one of those that would give away 10 all her trips and, and choose not to work. But 11 what you're saying is -- would be accurate if, I 12 guess if, if she, if she did work, because 13 there's, like a look-back period. I don't 14 remember exactly what that was for, for back pay, 15 back pay purposes, if you will. 16 Q. You -- 17 A. So -- 18 Q. There -- there's nothing you can tell us 19 that, that convinced you that Ms. Carter would not 20 have worked at any point during the time that she 21 was terminated, right? 22 A. Can you repeat the question? 23 Q. There's nothing, there's, there's nothing 24 that you can point to that makes you believe that 25 Ms. Carter wouldn't have done any work at all</p>	<p style="text-align: right;">Page 35</p> <p>1 their attendance is, things like that. 2 And so I just remember that she was, 3 she was one of those that just -- they -- she 4 would give her trips away. That doesn't reflect 5 negatively, that's her right. It's her 6 contractual right as a flight attendant. So I'm 7 just stating that I don't know that even if, even 8 if Mr. Sims made the decision to say, I'd like to 9 offer her back pay or if, if that came up, I don't 10 know what back pay could have been offered. 11 That's all I'm saying. 12 Q. Okay. Are there certain circumstances 13 where employees are offered back pay in connection 14 with a last-chance agreement? 15 A. To my recollection, it was very rare, 16 Mr. Hill, in my tenure. 17 Q. But in Ms. Carter's circumstances, you 18 didn't offer the back pay? 19 A. No. 20 Q. And if she wanted to recover back pay, she 21 couldn't accept the last-chance agreement, right? 22 A. I -- that's very hypothetical. It would 23 depend on the circumstances. She could -- there 24 were times where flight attendants would work 25 through their union rep to come back with a</p>
<p style="text-align: right;">Page 34</p> <p>1 during the time that she was terminated; is that 2 right? 3 A. I don't know that I understand the 4 question. 5 Q. I'm, I'm asking, is there anything that 6 you know that you can tell us about that makes you 7 believe that she wouldn't have done any work 8 during the time that she was terminated? 9 A. The days leading up to her termination. 10 Are you asking do I have, like, evidence of her 11 not working in the days leading up to her 12 termination? 13 Q. No, I'm asking, other than, other than the 14 fact -- other than your general knowledge of how 15 much she worked before, there's nothing you can 16 tell us that made -- that convinces you that she 17 wouldn't have done any work during that time, 18 right? 19 A. I'm, I'm just -- all I'm saying is that 20 I -- as a part of my, kind of my process back 21 then, I remember, in reviewing termination 22 grievances in preparation for the Step 2, or 23 sometimes it may be after the Step 2, I would look 24 at maybe the employee file, how often they worked, 25 you know, what their, would their tenure is, what</p>	<p style="text-align: right;">Page 36</p> <p>1 counteroffer, meaning, you know, will you consider 2 this if -- will you consider a last-chance 3 agreement that does include back pay, if you will. 4 So ... 5 Q. I'm only focused on what it is that you 6 actually offered her. In the offer that you made 7 her, you chose not to give her back pay, right? 8 A. No back pay was offered, that is correct. 9 Q. If she accepted the agreement, she 10 wouldn't -- if she accepted the agreement you 11 presented she wouldn't receive any pay for the 12 time that she was, she was terminated? 13 A. Assuming that this is the only agreement 14 that I drafted, looking at this agreement that we 15 have here on the screen, I would say that is an 16 accurate statement. She would not have received 17 back pay if she would have signed it. 18 Q. You're not aware of any other agreement 19 that you drafted for her, right? 20 A. Not that I recall, but, again, I, I, I 21 would draft these settlement agreements, and 22 sometimes they would change depending on, you 23 know, what the union may have negotiated on, on 24 the grievant's behalf. So I can't speak to her 25 specifically because I don't remember, but in</p>

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<p>1 looking at this one --</p> <p>2 Q. Yeah. Her --</p> <p>3 A. -- it's --</p> <p>4 Q. If she accepted this last-chance</p> <p>5 agreement, she would have also had to accept a</p> <p>6 30-day suspension, wouldn't she?</p> <p>7 A. That is the offer, that her termination</p> <p>8 would be reduced to a 30-day suspension.</p> <p>9 Q. In addition, and we'll -- I'll point your</p> <p>10 attention to a few bullet points down where I have</p> <p>11 another highlight. In addition, if she accepted</p> <p>12 this last-chance agreement: Any future violation</p> <p>13 of Southwest's bullying and hazing policy or</p> <p>14 social media policy or harassment, sexual</p> <p>15 harassment, discrimination retaliation policy</p> <p>16 would result in termination, right?</p> <p>17 A. That is what this agreement is offering,</p> <p>18 yes.</p> <p>19 Q. And, and this agreement would remain in</p> <p>20 her file for 24 months after she executed it,</p> <p>21 right?</p> <p>22 A. If she signed it.</p> <p>23 Q. And that could be used for future</p> <p>24 discipline consideration, right?</p> <p>25 A. What do you mean by used for future</p>	<p>1 A. -- have signed it, yes, that's what it</p> <p>2 says.</p> <p>3 Q. She could no longer get relief on that</p> <p>4 grievance; this is, this is it, this is all she</p> <p>5 gets, right?</p> <p>6 A. It looks like that's what it states. I, I</p> <p>7 mean, I feel like we're speaking hypothetically,</p> <p>8 but --</p> <p>9 Q. Well, we're just talking about the</p> <p>10 agreement that you drafted and gave to her and,</p> <p>11 and asked her to sign. And so I'm just wanting to</p> <p>12 make sure I understand what the agreement means,</p> <p>13 and I'm asking you to help me understand that.</p> <p>14 And so, finally, the last thing that she had to do</p> <p>15 in this part of the last-chance agreement is</p> <p>16 release all of her legal claims that she might</p> <p>17 have against Southwest, right?</p> <p>18 A. If she signed it, yes.</p> <p>19 Q. And, and in order, in order to be</p> <p>20 reinstated, she would have had to sign it, right?</p> <p>21 A. Yes. That is correct.</p> <p>22 Q. Okay. So attached to that last-chance</p> <p>23 agreement was this legal document, this</p> <p>24 confidential settlement and release of claims,</p> <p>25 right?</p>
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<p>1 discipline?</p> <p>2 Q. Well, her file is what people used to, to</p> <p>3 evaluate whether or not a subsequent disciplinary</p> <p>4 action is reasonable, right?</p> <p>5 A. Again, that would be hypothetical. I --</p> <p>6 it could or could not be, yeah, it could or could</p> <p>7 not be reviewed if, if something came up again,</p> <p>8 hypothetically. I, I, I can't say explicitly,</p> <p>9 but, sure.</p> <p>10 Q. Part of accepting this last-chance</p> <p>11 agreement would have meant that her grievance was</p> <p>12 withdrawn and dismissed, right?</p> <p>13 A. Can you repeat that question?</p> <p>14 Q. Part of -- if, if Ms. Carter had accepted</p> <p>15 this last-chance agreement, her grievance would</p> <p>16 have withdrawn and dismissed, right?</p> <p>17 A. That's what it states.</p> <p>18 Q. So she couldn't have taken any further</p> <p>19 action based on her grievance, right?</p> <p>20 A. It would withdraw the grievance,</p> <p>21 meaning -- yes -- meaning that I guess it would no</p> <p>22 longer exist. It would have resolved the --</p> <p>23 Q. Right.</p> <p>24 A. -- grievance. Yes, if she would --</p> <p>25 Q. Yes.</p>	<p>1 A. Yes.</p> <p>2 Q. And if she wanted to accept the</p> <p>3 last-chance agreement, she also had to sign this</p> <p>4 document, right?</p> <p>5 A. Yes.</p> <p>6 Q. And you understood that document to</p> <p>7 release any claims that she might have against</p> <p>8 Southwest Airlines, didn't you, had she signed it?</p> <p>9 A. Yes.</p> <p>10 Q. And she had to sign this legal document in</p> <p>11 order to be reinstated to her job, too, didn't</p> <p>12 she?</p> <p>13 A. She didn't have to. No. I, I would not</p> <p>14 agree with that. I would just say that it was, it</p> <p>15 was her choice if, if she wanted to accept the</p> <p>16 last-chance agreement, she could -- that's most</p> <p>17 certainly her choice to do so, which would also</p> <p>18 come with the Exhibit A, the release of, release</p> <p>19 of claims, which is something that is typically</p> <p>20 offered as part of a last-chance agreement.</p> <p>21 Q. I think maybe you didn't understand my</p> <p>22 question. In order to be reinstated, she would</p> <p>23 have had to sign this legal document releasing all</p> <p>24 her claims, right?</p> <p>25 A. She -- no. She wouldn't have --</p>

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<p>1 Q. In order to be reinstated?</p> <p>2 A. No, she wouldn't have to sign it. Again,</p> <p>3 that's -- it's hypothetical. If the union or</p> <p>4 Charlene -- if there was a question about, you</p> <p>5 know, the, the release of claims, the Exhibit A, I</p> <p>6 think is what we would refer to it as, if she, if</p> <p>7 she wanted to negotiate or, or say, hey, can I</p> <p>8 sign the last-chance agreement without the release</p> <p>9 of claims, she could have asked for that. I don't</p> <p>10 remember if she did or not. And that would --</p> <p>11 that's not mandatory, if you will --</p> <p>12 Q. But that wasn't what you offered --</p> <p>13 A. -- but that's what was offered --</p> <p>14 Q. What, what, what you --</p> <p>15 A. -- as the --</p> <p>16 Q. -- offered her, the only way for her to be</p> <p>17 restated, based on what you offered her, was to</p> <p>18 sign this legal document releasing all her claims,</p> <p>19 right?</p> <p>20 A. Yes, that's what's offered. That was what</p> <p>21 was offered.</p> <p>22 Q. We're going to take a short break. I'm</p> <p>23 going to come in and -- come back and, and</p> <p>24 hopefully close out quickly.</p> <p>25 A. Okay.</p>	<p>1 if you can just bear with me. I'm -- I may not</p> <p>2 remember a hundred percent, but they would review</p> <p>3 different accommodations for employees due to like</p> <p>4 ADA disability, things like that. That's all I</p> <p>5 can think -- remember off the top of my head. I'm</p> <p>6 sorry.</p> <p>7 Q. Is that also known as the ACT team?</p> <p>8 A. Yes, it was, it was called the ACT team.</p> <p>9 Q. And did they -- would you have -- if</p> <p>10 someone said that they were discriminated against</p> <p>11 based on their religion, you wouldn't have sent</p> <p>12 them to that team, would you?</p> <p>13 MR. MORRIS: Objection, incomplete</p> <p>14 hypothetical.</p> <p>15 A. I don't remember, Mr. Hill. I -- I'm, I'm</p> <p>16 working in a different capacity now where the</p> <p>17 departments are structured a little different, so</p> <p>18 I can't remember exactly how it worked at, at</p> <p>19 Southwest Airlines. So I'm -- I really can't</p> <p>20 answer your question. I'm sorry. I don't, I</p> <p>21 don't remember.</p> <p>22 Q. You weren't aware of any role that the ACT</p> <p>23 team had with respect to religion, were you?</p> <p>24 A. I don't remember.</p> <p>25 Q. What did you do to prepare for this</p>
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<p>1 THE REPORTER: Off the record.</p> <p>2 (Recess).</p> <p>3 THE REPORTER: Back on the record.</p> <p>4 Q. Just a couple of more questions for you,</p> <p>5 Ms. Burdine.</p> <p>6 If someone told you that they had been</p> <p>7 discriminated against because of their religion,</p> <p>8 what would you tell them to do?</p> <p>9 MR. MORRIS: Objection, incomplete</p> <p>10 hypothetical.</p> <p>11 A. I -- discriminated against because of</p> <p>12 their religion?</p> <p>13 Q. Yes.</p> <p>14 A. If, if it was a current employee, I would</p> <p>15 -- trying to remember the, the Southwest Airlines</p> <p>16 process. So bear with me. I believe I would</p> <p>17 refer them to employee relations for an</p> <p>18 investigation. I may even -- yeah, hypothetically</p> <p>19 speaking, I would refer it for an investigation</p> <p>20 for, for an employee, yes.</p> <p>21 Q. Do you know what the accommodations and</p> <p>22 career transition team is?</p> <p>23 A. Yes.</p> <p>24 Q. What is that?</p> <p>25 A. That team at Southwest Airlines would --</p>	<p>1 deposition?</p> <p>2 A. I had a call with the attorney, Brian</p> <p>3 Morris, and Paulo.</p> <p>4 Q. And what did you discuss on that call?</p> <p>5 MR. MORRIS: I'm going to object.</p> <p>6 That calls for privileged communications.</p> <p>7 Instruct the witness --</p> <p>8 MR. HILL: You instruct on that</p> <p>9 privilege?</p> <p>10 MR. MORRIS: -- not to answer.</p> <p>11 THE REPORTER: I'm sorry, Mr. Morris,</p> <p>12 what did you say?</p> <p>13 MR. MORRIS: Sure. I objected as it</p> <p>14 calls for privileged communications and I will</p> <p>15 instruct the witness not to answer.</p> <p>16 Q. Did you review any documents in</p> <p>17 preparation for this deposition?</p> <p>18 A. Yes.</p> <p>19 Q. What did you review?</p> <p>20 A. The Step 2 notes that you showed me on the</p> <p>21 screen.</p> <p>22 Q. Anything else?</p> <p>23 A. I'm trying to remember. There may have</p> <p>24 been another document, but I'm -- I -- gosh, this</p> <p>25 is escaping me.</p>

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<p style="text-align: right;">Page 45</p> <p>1 Q. If there was another document, you don't</p> <p>2 know what it is?</p> <p>3 A. Gosh, I'm sorry. My -- I just, I just</p> <p>4 drew a blank. I reviewed the Step 2 notes from</p> <p>5 2017, and, gosh, why am I drawing a blank. There</p> <p>6 was something else provided, but I don't remember</p> <p>7 what it was.</p> <p>8 Q. Okay. Are you, are you going to be in</p> <p>9 town during the weeks of July 5th and July 11th?</p> <p>10 A. I'll be out of town a portion of that.</p> <p>11 And then the latter part of the week, I will --</p> <p>12 I'll be in town, but I do have some, some other</p> <p>13 child care obligations that I've committed to.</p> <p>14 Q. Okay. Whose child?</p> <p>15 A. Well, I -- my sister's, in short.</p> <p>16 Q. Okay. And, and your travel, when are you</p> <p>17 going to be traveling?</p> <p>18 A. I will be traveling starting tomorrow.</p> <p>19 And I will be back in town on the 5th, which is</p> <p>20 actually on my way back, I'll be getting my, my</p> <p>21 niece.</p> <p>22 Q. Okay.</p> <p>23 A. She's in my --</p> <p>24 Q. Is there -- your sister's daughter?</p> <p>25 A. Uh-huh, that's right.</p>	<p style="text-align: right;">Page 47</p> <p>1 deposition?</p> <p>2 A. No.</p> <p>3 Q. We had a break a few minutes ago, and I</p> <p>4 think your lawyers are gonna say something, so</p> <p>5 give them a chance to do so. Did you meet -- did,</p> <p>6 did you speak with anyone during the break that we</p> <p>7 had a few minutes ago?</p> <p>8 A. Like who? Like my husband or -- no.</p> <p>9 Q. Anyone.</p> <p>10 A. No.</p> <p>11 Q. You didn't speak with any of the attorneys</p> <p>12 either?</p> <p>13 A. No.</p> <p>14 MR. HILL: I don't have anything</p> <p>15 further.</p> <p>16 MR. MORRIS: Okay. I don't, I don't</p> <p>17 have any questions.</p> <p>18 MR. GREENFIELD: Adam Greenfield</p> <p>19 speaking, I have a few.</p> <p>20 EXAMINATION</p> <p>21 BY MR. GREENFIELD:</p> <p>22 Q. Hi, Ms. Burdine. My name is Adam</p> <p>23 Greenfield, and I'm one of the attorneys</p> <p>24 representing TWU Local 556 in this matter.</p> <p>25 Can you hear me all right?</p>
<p style="text-align: right;">Page 46</p> <p>1 Q. And how long will the niece be staying</p> <p>2 with you?</p> <p>3 A. The whole week.</p> <p>4 Q. The whole week of July 5th?</p> <p>5 A. Yes, the whole week -- it's undetermined</p> <p>6 if she's gonna need me to keep her through that</p> <p>7 mid next week or if, if I'll be taking her back.</p> <p>8 Q. Is there anyone else available to care for</p> <p>9 your niece during that week?</p> <p>10 A. No.</p> <p>11 Q. And in the following week, is there anyone</p> <p>12 else available to care for your niece, the week of</p> <p>13 July 11th?</p> <p>14 A. Not while I have her, no.</p> <p>15 Q. But you may not have her during that week?</p> <p>16 A. That part hasn't been a hundred percent</p> <p>17 nailed down yet in terms of, you know, am I gonna</p> <p>18 keep her through, through the, the first half of</p> <p>19 that week or if I'm taking her back on the</p> <p>20 weekend. But currently, tentatively, I may be</p> <p>21 taking her back on the 12th.</p> <p>22 Q. Did you receive a subpoena for trial on</p> <p>23 the 5th?</p> <p>24 A. No, I did not.</p> <p>25 Q. Did you receive a subpoena for this</p>	<p style="text-align: right;">Page 48</p> <p>1 A. I can.</p> <p>2 Q. Do you understand who I am and who I</p> <p>3 represent?</p> <p>4 A. Yes, I do.</p> <p>5 Q. Okay. To give you a little bit of</p> <p>6 background, Charlene Carter is alleging as part of</p> <p>7 this lawsuit that Southwest Airlines and the union</p> <p>8 worked together to get Ms. Carter fired from her</p> <p>9 job as a flight attendant. You understand that?</p> <p>10 A. I hear what you're saying, yes. I</p> <p>11 understand what you're saying. I don't agree.</p> <p>12 Q. Okay. You don't agree?</p> <p>13 A. No, I do not agree.</p> <p>14 Q. Okay. Can the union tell you how to</p> <p>15 discipline an employee?</p> <p>16 A. No.</p> <p>17 Q. Can the union tell anyone at Southwest</p> <p>18 Airlines how to discipline employees?</p> <p>19 A. Well, can I, can I say the union can tell</p> <p>20 us respectfully what, what they believe is</p> <p>21 appropriate, but we make our decisions on, on our</p> <p>22 own within Southwest Airlines' inflight leadership</p> <p>23 and, of course, the, the labor relations</p> <p>24 department.</p> <p>25 Q. Sure. And when you say that, are, are you</p>

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<p style="text-align: right;">Page 49</p> <p>1 referring to the union advocating on behalf of the</p> <p>2 employees' behalf as part of the Step 1, Step 2,</p> <p>3 and potential arbitration process?</p> <p>4 A. Any, any official forms of grievances,</p> <p>5 grievance matters, that would be what I'm, what</p> <p>6 I'm speaking to, yes.</p> <p>7 Q. Okay. And, and did anyone at the union</p> <p>8 ever try to pressure you into any recommendation</p> <p>9 you made about Southwest Airlines' ultimate</p> <p>10 decision to fire Charlene Carter?</p> <p>11 A. No, not that I recall.</p> <p>12 Q. Okay. And to your knowledge, did anyone</p> <p>13 at the union have any influence over the decision</p> <p>14 to fire Charlene Carter?</p> <p>15 A. Not that I am aware, no.</p> <p>16 Q. Okay. And to your knowledge, are, are you</p> <p>17 aware of anyone at the union having any say or</p> <p>18 influence on Southwest Airlines' decision to</p> <p>19 discipline or terminate any flight attendant?</p> <p>20 A. No.</p> <p>21 Q. Did the union negotiate on Ms. Carter's</p> <p>22 behalf to reduce her termination to a 30-day</p> <p>23 suspension?</p> <p>24 A. I don't remember explicitly, but typically</p> <p>25 that can happen, yes, as a part of grievance, and</p>	<p style="text-align: right;">Page 51</p> <p>1 would be some of the communications that we would</p> <p>2 have through the, the official channel.</p> <p>3 Q. Thank you.</p> <p>4 And did the union represent Ms. Carter</p> <p>5 at her Step 2 hearing?</p> <p>6 A. Yes.</p> <p>7 Q. Okay. And, and do you remember who did</p> <p>8 that?</p> <p>9 A. I -- again, I did see the Step 2 notes,</p> <p>10 and it -- according to the notes, it said it was</p> <p>11 Becky Parker, and I believe Beth Ross may have</p> <p>12 also been there.</p> <p>13 Q. Okay.</p> <p>14 A. I, I -- there were two, there were two</p> <p>15 representatives, which is pretty standard.</p> <p>16 Sometimes there's one, but typically there's two.</p> <p>17 Q. Okay. And the last-chance agreement was</p> <p>18 offered after the conclusion of the Step 2</p> <p>19 hearing; is that correct?</p> <p>20 A. Yes. It was after the Step 2 hearing. So</p> <p>21 the -- whoever is the designee, in this case, it</p> <p>22 was Mike Sims, he would have ten days to make a</p> <p>23 decision and, and respond. And so ...</p> <p>24 Q. Okay.</p> <p>25 A. That would be following Step 2 hearing.</p>
<p style="text-align: right;">Page 50</p> <p>1 it can --</p> <p>2 Q. Can you -- I'm sorry. Can you explain</p> <p>3 that process a little bit, how, how that would,</p> <p>4 how that would play out after, let's say, a Step 2</p> <p>5 hearing?</p> <p>6 A. Yes. And I, I don't want to, I don't want</p> <p>7 to draw a picture that this happened in</p> <p>8 Ms. Carter's case because I just -- I honestly</p> <p>9 don't remember all those conversations, but in, in</p> <p>10 typical circumstances, I -- following the Step 2</p> <p>11 hearing, a number of things could happen. It's</p> <p>12 not really cookie cutter, but typically we'll hear</p> <p>13 from the union, sometimes they want to provide</p> <p>14 additional documents that the grievant may have</p> <p>15 provided them. They may have talked to the</p> <p>16 grievant about any, you know, settlement offers</p> <p>17 that we made. They may ask for something</p> <p>18 different. I mean, just general grievance talk,</p> <p>19 if you will, if they have newer, additional</p> <p>20 information, sometimes they may reach out, but,</p> <p>21 again, that's -- I'm, I'm speaking in more like</p> <p>22 typical terms.</p> <p>23 Those grievance meetings that I</p> <p>24 referenced earlier, sometimes things will come up</p> <p>25 again. You know, off the top of my head that</p>	<p style="text-align: right;">Page 52</p> <p>1 MR. GREENFIELD: I have no more</p> <p>2 questions for you. Thank you so much.</p> <p>3 MR. HILL: I have a couple of</p> <p>4 follow-ups on that.</p> <p>5 EXAMINATION</p> <p>6 BY MR. HILL:</p> <p>7 Q. You said the union didn't push for</p> <p>8 terminations of employees, I believe. Are you</p> <p>9 aware that in this case Audrey Stone is the one</p> <p>10 who made the report regarding Ms. Carter?</p> <p>11 A. I am aware of that.</p> <p>12 Q. And so in this case, the union did make a</p> <p>13 report seeking discipline of an employee, right?</p> <p>14 MR. GREENFIELD: Objection, form.</p> <p>15 MR. MORRIS: Objection, misstates</p> <p>16 testimony.</p> <p>17 A. I -- I'm answering the question, right?</p> <p>18 I, I don't know what Audrey Stone</p> <p>19 thought when, when she sent us the post. Audrey</p> <p>20 Stone was a flight attendant, and as I mentioned</p> <p>21 before, we would often get flight attendants that</p> <p>22 would turn in other flight attendants. And I</p> <p>23 really can't speculate what they think might</p> <p>24 happen. The -- from my standpoint, I would review</p> <p>25 whatever was submitted and see if it violated our</p>

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<p>1 policies, work and conduct rules, and things like</p> <p>2 -- of that nature.</p> <p>3 Q. You understood that Ms. Stone was the</p> <p>4 union president, right?</p> <p>5 A. Yes, I do know that Ms. Stone was the</p> <p>6 union president.</p> <p>7 Q. And you understood that she was filing a</p> <p>8 report on one of the employees that was</p> <p>9 represented by the union, even though she was not</p> <p>10 a union member, right?</p> <p>11 A. What do you mean by filing a report? You</p> <p>12 mean --</p> <p>13 Q. She --</p> <p>14 A. -- when she turned in the, the messages?</p> <p>15 Q. That's right.</p> <p>16 A. I, I do understand that she was a flight</p> <p>17 attendant who was currently acting as the</p> <p>18 president. And she did turn in another flight</p> <p>19 attendant that, that was sending messages.</p> <p>20 Q. Okay. You talked about what happens</p> <p>21 generally after Step 2 hearings where the union</p> <p>22 might provide additional information and seek less</p> <p>23 punishment. Are you aware that that happened in</p> <p>24 Ms. Carter's case?</p> <p>25 A. I -- honestly, I can't remember.</p>	<p>1 members typically advocate for the, the flight</p> <p>2 attendant. I'm trying to remember if the notes</p> <p>3 stated whether or not, you know, there was -- if,</p> <p>4 if they provide any, any explanations on</p> <p>5 Ms. Carter's behalf. We could probably review</p> <p>6 those real quick if you'd like, but ...</p> <p>7 Q. Sitting here, you're not aware of anything</p> <p>8 they did?</p> <p>9 A. I'm sorry?</p> <p>10 Q. Sitting here, you're not aware of anything</p> <p>11 they did, right --</p> <p>12 MR. GREENFIELD: Objection, form.</p> <p>13 Q. -- to seek less punishment?</p> <p>14 A. I just don't remember. I, I don't</p> <p>15 remember if they did or did not. But they --</p> <p>16 MR. HILL: I don't have anything</p> <p>17 further.</p> <p>18 THE WITNESS: Okay.</p> <p>19 MR. MORRIS: All right. I don't have</p> <p>20 any questions.</p> <p>21 THE REPORTER: Okay. Signature? Do</p> <p>22 you want her to read and sign?</p> <p>23 MR. HILL: Brian?</p> <p>24 MR. MORRIS: Sorry. Excuse me, I</p> <p>25 didn't quite understand that. What was that?</p>
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<p>1 Q. Okay. So what -- you, you weren't</p> <p>2 testifying that that happened with Ms. Carter?</p> <p>3 A. I was not. I was saying in -- this isn't,</p> <p>4 this isn't cookie cutter. This isn't what</p> <p>5 happened every time, happens in every case, but</p> <p>6 that can happen, yes.</p> <p>7 Q. If it didn't happen with Ms. Carter, the</p> <p>8 union was not acting as proactively as they do on</p> <p>9 behalf of some other union members, right?</p> <p>10 MR. GREENFIELD: Objection, form.</p> <p>11 A. I, I really can't say what the union ...</p> <p>12 Q. Maybe there's a better way to ask this.</p> <p>13 A. I can't say what they did or didn't do. I</p> <p>14 really can't even remember if, if -- you know,</p> <p>15 what the conversations were after Ms. Carter's</p> <p>16 termination and subsequent to the Step 2 hearing.</p> <p>17 They may or may not have reached out. I, I just</p> <p>18 honestly don't remember.</p> <p>19 Q. The union sometimes pushes for less</p> <p>20 punishment after the Step 2 hearing, right?</p> <p>21 A. Yes. That is.</p> <p>22 Q. And it did, and it did -- and, and, to</p> <p>23 your knowledge, you don't remember if they did</p> <p>24 that here?</p> <p>25 A. Well, in the Step 2 hearing, the union</p>	<p>1 MR. MCKEEBY: Yes, read and sign.</p> <p>2 THE REPORTER: Do you want her to read</p> <p>3 and sign?</p> <p>4 MR. MCKEEBY: Yes.</p> <p>5 MR. MORRIS: Yes.</p> <p>6 THE REPORTER: Does anyone want to</p> <p>7 purchase a copy?</p> <p>8 MR. MCKEEBY: A condensed, same as the</p> <p>9 others.</p> <p>10 MR. GREENFIELD: Same for the union.</p> <p>11 (Deposition concluded at 5:42 p.m.)</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>

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1 CHANGES AND SIGNATURE
2 WITNESS NAME: MELISSA BURDINE DATE: JUNE 28, 2022
3 PAGELINE CHANGE REASON
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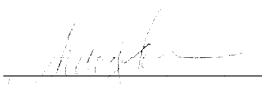

1 _____
2 _____
3 I, MELISSA BURDINE, have read the
4 foregoing deposition and hereby affix my signature
5 that same is true and correct, except as noted
6 above.
7
8
9
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11 _____
12 MELISSA BURDINE
13
14
15 THE STATE OF _____
16 COUNTY OF _____
17
18 Before me, _____, on
19 this day personally appeared MELISSA BURDINE,
20 known to me (or proved to me under oath or through
21 _____) (description of
22 identity card or other document)) to be the person
23 whose name is subscribed to the foregoing
24 instrument and acknowledged to me that they
25 executed the same for the purposes and

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1 consideration therein expressed.
2 Given under my hand and seal of office
3 this _____ day of _____,
4 _____.
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8 NOTARY PUBLIC IN AND FOR
THE STATE OF _____
COMMISSION EXPIRES: _____
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1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE NORTHERN DISTRICT OF TEXAS
3 DALLAS DIVISION
4 CHARLENE CARTER,)
5)
6 Plaintiff,)
7)
8 VS.) CIVIL ACTION
9)
10) NO.: 3:17-cv-02278-X
11)
12 SOUTHWEST AIRLINES CO.,)
13 AND TRANSPORT WORKERS)
14 UNION OF AMERICA, LOCAL)
15 556,)
16)
17 Defendant.)
18)
19
20 REPORTER'S CERTIFICATION
21 DEPOSITION OF MELISSA BURDINE
22 JUNE 28, 2022
23
24 I, Melody A. Monk, Certified Shorthand
25 Reporter in and for the State of Texas, hereby
certify to the following:
That the witness, MELISSA BURDINE, was duly
sworn by the officer and that the transcript of
the oral deposition is a true record of the
testimony given by the witness;
That the deposition transcript was submitted
on July 1, 2022 to the witness or to the attorney
for the witness for examination, signature and
return to me by August 1, 2022;

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<p>1 That the amount of time used by each party at 2 the deposition is as follows: 3 MATT HILL.....00 HOUR(S):58 MINUTE(S) 4 ADAM GREENFIELD.....00 HOUR(S):05 MINUTE(S) 5 6 That pursuant to information given to the 7 deposition officer at the time said testimony was 8 taken, the following includes counsel for all 9 parties of record: 10 FOR THE PLAINTIFF: 11 MATTHEW D. HILL 12 Pryor & Bruce 13 302 North San Jacinto 14 Rockwall, Texas 75087 15 972.771.3933 16 Mhill@pryorandbruce.com 17 18 MATTHEW B. GILLIAM 19 National Right to Work Legal Defense 20 Foundation, Inc. 21 8001 Braddock Road, Suite 600 22 Springfield, Virginia 22160 23 703.321.8510 24 Mbg@nrtw.org 25 26 FOR THE DEFENDANT SOUTHWEST AIRLINES CO.: 27 BRIAN MORRIS 28 PAULO B. MCKEEBY 29 Reed Smith 30 2850 North Harwood Street 31 Suite 1500 32 Dallas, Texas 75201 33 Jmammon@reedsmith.com 34 Pmckeeby@reedsmith.com 35</p>	<p>1 Texas CSR No. 3613 2 Expiration Date: 10/21/2022 3 4 MELODY MONK REPORTING 5 Firm Registration No. 10821 6 1999 McKinney Avenue, No. 1404 7 Dallas, Texas 75201 8 888.988.5317 (phone and fax) 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p>
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<p>1 FOR THE DEFENDANT TRANSPORT WORKERS UNION OF 2 AMERICA: 3 4 EDWARD B. CLOUTMAN, III 5 Law Offices of Edward Cloutman III 6 3301 Elm Street 7 Dallas, Texas 75226 8 214.232.9015 9 Ecloutman@lawoffices.email 10 11 ADAM S. GREENFIELD 12 Cloutman & Greenfield, PLLC 13 3301 Elm Street 14 Dallas, Texas 75226 15 Agreenfield@candlelegal.com 16 17 That \$_____ is the deposition officer's 18 charges to the Plaintiff for preparing the 19 original deposition transcript and any copies of 20 exhibits; 21 I further certify that I am neither counsel 22 for, related to, nor employed by any of the 23 parties or attorneys in the action in which this 24 proceeding was taken, and further that I am not 25 financially or otherwise interested in the outcome of the action. Certified to by me this 30th day of June, 2022.  </p>	

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